

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--Eliminating duplication in one administrative rule has no impact on the State budget.
- ❖ LOCAL GOVERNMENTS: None--Elimination duplication in an administrative rule related to certification of real estate schools and instructors has no impact on local government.
- ❖ OTHER PERSONS: None--Eliminating duplicate provisions in an administrative rule has no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There will be no compliance costs incurred by regulated persons if a duplicate provision is deleted from administrative rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing eliminates duplicative provisions. No fiscal impact to businesses is anticipated by this filing. Francine A. Giani, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMERCE
REAL ESTATE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shelley Wismer at the above address, by phone at 801-530-6761, by FAX at 801-530-6749, or by Internet E-mail at swismer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/31/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 06/01/2006

AUTHORIZED BY: Derek Miller, Director

R162. Commerce, Real Estate.**R162-8. Preclicensing Education.****R162-8-8. Administrative Proceedings.**

8.8 The Division may deny certification or renewal of certification to any school or instructor that does not meet the standards required by this chapter in accordance with Section R162-10 of these rules.

~~8.8.1 Formal adjudicative proceedings. Any adjudicative proceedings as to the following matters shall be conducted on a formal basis:~~

~~8.8.1.1 The revocation or suspension of certification of real estate schools or instructors.~~

~~8.8.2 Informal adjudicative proceedings. Any adjudicative proceedings as to the following matters shall be conducted on an informal basis:~~

~~8.8.2.1 The issuance or renewal of certification of real estate schools or instructors.]~~

KEY: real estate business

Date of Enactment or Last Substantive Amendment: ~~[October 21, 2004]~~2006

Notice of Continuation: June 3, 2002

Authorizing, and Implemented or Interpreted Law: 61-2-5.5

Environmental Quality, Air Quality

R307-210-1

Standards of Performance for New Stationary Sources (NSPS)

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 28601

FILED: 04/07/2006, 14:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule incorporates federal standards by reference. The purpose of the amendments is to add to the Utah rule the amendments in standards that have been made in the federal rule since July 8, 2004. The federal rules already apply to the sources; incorporating them into the state rule allows the Division of Air Quality to enforce the standards. In addition to incorporating the modifications to the standards, specific subparts of 40 CFR Part 60 that are regulated in different rules have been excluded in Rule R307-210.

SUMMARY OF THE RULE OR CHANGE: Amendments in the federal New Source Performance Standards have been made in 40 CFR Part 60, since Utah last incorporated the standards by reference into Rule R307-210. This amendment incorporates the revised federal standards through July 1, 2005, into this rule. The federal rules already apply to the sources; incorporating them into the state rule allows the Division of Air Quality to enforce the standards. Although there were three modifications to the standards since July 8, 2004, the following is the only modification that would impact sources in Utah. On February 22, 2005 (70 FR 8523), EPA promulgated amendments to the NSPS for subpart AA regarding performance for steel plants electric arc furnaces. This amendment allows plants to use a bag leak detection system on all single stack fabric filters as an alternative monitoring option to continuous opacity monitoring system (COMS). Specifically, this amendment allows plants to use a bag leak detection system on all single stack fabric filters as an alternative monitoring option to COMS. Owners or operators are required to develop a site-specific monitoring plan describing how the system will be selected, installed, and operated, including how the alarm levels will be established. In the event a bag leak detection system alarm is triggered, the owner or operator must initiate corrective action to determine the cause of the alarm within one hour of the alarm and alleviate the cause of the alarm within three hours. An approved site-specific monitoring plan may allow more than

three hours for alleviating a specified condition where an explanation is provided justifying a longer time period. The owner or operator also must conduct an opacity observation at least once per day when the furnace is in the melting and refining period, in accordance with EPA Method 9 (40 CFR part 60, appendix A). All opacity observations greater than 3% opacity must be reported as a violation of the opacity standard. In addition, if the alarm on the bag leak detection system was not alarming during the time the opacity was observed to be greater than 3%, the alarm on the bag leak detection system must be lowered to a point that an alarm would have occurred during the observation. In addition, to incorporating the modifications to the standards, specific subparts of 40 CFR Part 60 that are regulated in different rules have been excluded in Rule R307-210.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-2-104 and 19-2-108

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 60, July 1, 2005, except for Subparts Cb, Cc, Cd, Ce, BBBB, and DDDD

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no change in cost to the state budget, as the affected sources already are included in state rules, and thus already are subject to inspection and compliance review.

❖ LOCAL GOVERNMENTS: Because the amendment does not create new requirements for sources owned or operated by local government, no change in costs is expected for other persons

❖ OTHER PERSONS: This amendment gives sources an alternative monitoring option to COMS. Because this new rule does not create new requirements, no change in costs is expected for other persons. Though specific savings cannot be identified, they are likely to be small.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment gives sources an alternative monitoring option to COMS. Because this new rule does not create new requirements, no change in costs is expected for affected persons. Though specific savings cannot be identified, they are likely to be small.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The federal amendments increase flexibility for sources and fine-tune existing requirements. Sources will see some opportunity for savings, and no increased costs are expected. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/31/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/18/2006 at 2:00 PM, DEQ Building, 150 N 1950 W, Main Conference Room, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/13/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-210. Stationary Sources.

R307-210-1. Standards of Performance for New Stationary Sources (NSPS).

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on ~~July 1, 2004, and amended by 64 FR 41346 (July 8, 2004)]~~ July 1, 2005, except for Subparts Cb, Cc, Cd, Ce, BBBB, and DDDD, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "executive secretary" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

KEY: air pollution, stationary sources, new source review

Date of Enactment or Last Substantive Amendment: [April 19, 2005] 2006

Notice of Continuation: August 15, 2001

Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108

◆ ————— ◆
**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-49
Dental Service**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 28618

FILED: 04/14/2006, 16:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Funding was not provided for the adult dental program by the 2006 Utah Legislature. This rulemaking is necessary to reflect that action.